

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:11CR3059
	)	
v.	)	
	)	MEMORANDUM AND ORDER
MICHAEL BREault,	)	
	)	
Defendant.	)	

The defendant has moved to continue the pretrial motion deadline. (Filing No. 14). Defense counsel explains that due to the press of other matters, including a family matter requiring defense counsel's attention, the defendant and his counsel need additional time to fully review the discovery and decide if pretrial motions should be filed. The government does not oppose the defendant's motion. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's motion to continue, (filing no. 14), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before October 11, 2011.
- 3) Trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between July 22, 2011 and October 11, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

July 22, 2011

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge